Constitution Assembly Debate of Mr. Gurung

Mr. Damber Singh Gurung (Bengal: General) : Mr. Chairman, Sir, I understand here today as the only representative of 30 lakhs of Gurkhas permanently domiciled in India. It is 30 lakhs, near about the population of the Sikhs, still I am the solitary representative here in this House. I need not give any introduction as to who these Gurkhas are. They have made themselves sufficiently known to the world by their excellent fighting qualities. It has been proved to the hilt during the last World War No. 1 and No. 11 that they are the greatest fighting race in the World.

It is on behalf of these valiant Gurkhas that I, as the President of the All India Gurkha League, wholeheartedly support the Resolution moved by Pandit Jawahar Lal Nehru. It is high time that we should take such a strong step. If we adopt the policy of wait and see as has been advocated by Dr. Jayakar and supported by Ambedkar, we will never reach our goal. The Interim Government which is functioning to-day would not have come into existence if we had adopted that policy. Fortunately these two Doctors are not Doctors in Medicine, otherwise they would have killed the patient by delaying the operation. (*Laughter*). We have waited too long and we should riot wait any longer. It will be simply our weakness.

Sir, it has been very often said that the Gurkhas have been the stumbling block on the path to freedom. It may be true if it is viewed from that angle of vision but it must always be remembered that, especially in the Military Department, duty first and duty last, and the discipline is the most essential thing without which no nation can rule. Now in Free India you will ask us to do the same thing as we were asked to do under the British Government, if there be any disrupter of the constitutionally established Government, and you will praise them for maintaining that discipline.

Sir, the problem of the Gurkhas is quite different. They are scattered throughout India. It is only in the district of Darjeeling and the Province of Assam that they are concentrated to a certain extent. Their number in these two areas is about 14 lakhs and the rest are scattered throughout India. They are very very backward educationally and economically. Though we were made to do the dirtiest work in India for which we have been even called butchers by Indians, though hundreds and thousand of Gurkha lives were sacrificed to keep the British rule in India and elsewhere, nothing has been done by the British Government so far for the uplift of the Gurkhas. We have been very sadly neglected. Only at the time of War they remember the Gurkhas. It has always been the policy of the British Government to keep us backward and ignorant so that we may be sacrificed any time, anywhere they liked.

The Gurkhas are apprehending whether the same policy will be followed by the Congress too. There is strong ground for this apprehension. Before the election of Members to the Constituent Assembly, the 'All India Gurkha League approached the Congress High Command to give adequate representation to the Gurkhas too in the Constitution Assembly but our claim was totally ignored and not a single seat was given for 30 lakhs of Gurkhas, whereas as many as 3

seats were given to the Anglo-Indians whose population is only 1 lakh 42 thousand in India. I do not think that Gurkhas will, any more, tolerate this kind of injustice. I have, very recently been to Nepal, leading a delegation of the All-India Gurkha League to His Highness the Maharaja of Nepal and I hope Nepal will not allow any such exploitation of the Gurkhas. Sir, the demand of the Gurkhas is that they must be recognised as a minority community and that they must have adequate representation in the Advisory Committee that is going to be formed. When the Anglo-Indians with only 1 lakh 42 thousand population have been recognised as a minority community, and Scheduled Castes among the Hindus have been recognised as a separate community, I do not see any reason why Gurkhas with 30 lakhs population should not be recognised as such. The Gurkhas whose total population including Nepal is 15 millions shall have to play a very very important part in Free India. I request the leaders to consider this very seriously.

Lastly, I would like to say a word, Sir. If Mr. Jinnah thinks himself to be an Indian, I would request him to come to India and settle the differences here, as this is our domestic quarrel. Why should he seek the help of those who kept us in slavery for centuries? I would think that a kick from a brother is more palatable than a hypocrite pat from an outsider. If the major party does not do any justice to the cause of the minorities, we will combine together and revolt and make India a hot bed and I am afraid, the ancient history of India may be repeated. But I must make one point clear, that no minority will support the fantastic claim for Pakistan of Mr. Jinnah. We stand for a United India.

In spite of all this, if Mr. Jinnah goes on throwing the challenge of civil war, I ask the country-men to accept that challenge and let us fight it out. As for the Gurkhas, we will fight along with those who want one India and oppose those who want to divide it.

Mr. Damber Singh Gurung: Mr. Chairman, Sir in the list of names of the Advisory Committee proposed by Mr. K. M, Munshi, I do not find any name of a Gorkha representative here. I do not want to refer to the terms of clause 20 of the Cabinet Mission's Statement of May 16, but Must pointedly draw the attention of the House to the Resolution on Objectives moved by Pandit Jawaharlal Nehru and passed by this House a few days ago. Paragraph 6 of that Resolution says,--

"WHEREIN adequate safeguards shall be provided for minorities, Backward and Tribal Areas, and Depressed and other Backward, Classes."

It is the function of the Advisory Committee to give advice to the Constituent Assembly as to the manner in which the safeguards for the minorities, backward and tribal peoples are to be provided. Presumably, in the Advisory Committee there must be representatives of all these classes of people. Now, Sir, if there is no Gorkha on the Advisory Committee, who will speak for them and how will their interests and rights be safeguarded? It is a fact that the Gorkhas form a distinct minority group and no one can deny the fact that they are the most backward people in India. If Gorkhas, as such, are not represented they have a right to be represented here as people living in the Excluded Areas and Partially Excluded Areas, because Darjeeling District, where there are more than 3 lakhs of Gorkhas, is a partially Excluded Area, and even as tribals because the Gorkhas have been classed as tribals in the Census

Report of 1941 in Bengal. If the Gorkhas are not represented in the only body that has been provided for devising means to safeguard in the interests of oppressed and backward peoples, I, as a Gorkha, do not see any advantage in my being a member of the Constituent Assembly. The other day President Kripalani told me that the Gorkhas would fight with their swords. I quite agree. The Gorkha fought with their swords for the rulers of India, but now the Gorkhas have decided to fight for the freedom of India and will fight for free India, but at the same time I must appeal to the House that their case also must be considered, as they are very backward educationally and economically and as the Advisory Committee is the only Committee where all these things can be brought up and discussed. I appeal to the House to consider this point.

Mr. K. M. Munshi: Sir, may I reply as the mover of the amendment?

Mr. President: (To Sri K. Santhanam) Do you want to speak?

(The Members stood up in silence.)

Mr. President: Two Members have died since the Constituent Assembly met in its constitution – making function. They are Shri Debi Prasad Khaitan and Shri Damber Singh Gurung from Darjeeling. They represented their constituencies very faithfully and were of considerable help in our deliberations. I ask you to rise in your places to show our respect to their memory.

(The Members stood up in silence.)

Dialgoue by Shri Ari Bahadur Gurung

Honourable Members: Certainly.

Mr. Vice-President: I will first call upon Mr. Gurung.

Shri H. V. Kamath: Before you proceed to the discussion of the article, won't you finalise the amendment of Mr. Alladi Krishna Swami Iyer? The difficulty raised by me has not yet been answered.

Mr. Vice-President: That will be taken up later on.

Mr. Naziruddin Ahmad: I have a preliminary matter. This contravenes some amendment which has already been accepted. There is in line 3 in amendment No. 82 the expression "any State." We have accepted the expression "the State."

Mr. Vice-President: I cannot permit you to speak now. Mr. Gurung may speak.

Shri Ari Bahadur Gurung : (West Bengal: General) Mr. Vice-President, I thank you very much for the opportunity given me to speak on this occasion. I am particularly happy to note the provision in clause 3 of this article which says.

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens who, in the opinion of the State, are not adequately represented in the services under the State."

Sir, may I take it that the word `backward' includes three categories of people, namely Scheduled Castes, and Tribals and one particular class which is not included so far, under the term `backward' although it is educationally and economically backward? If I may say so, Sir, 90 percent. if not more of the Indian people are

educationally and economically backward; the meaning of the word `backward' seems to be vague to me. I feel I shall be failing in my duty to a particular section of the Indian people, viz., the Gurkhas, if I do not voice their feeling at this stage.
The Gurkhas, I must bring to the notice of the House, are three millions, if not more, domiciled in India. They are educationally and economically backward. I feel that the Gurkhas who are domiciled in India should have the same privilege as other backward communities in India. Sir, it is a known fact that the Gurkhas have played their part in the preservation of the independence of India and are now actually fighting in Kashmir after fighting in Hyderabad. They have had their share of the work in the preservation of India's independence. I assure the House that the Gurkhas who are now domiciled in India owe their full allegiance to the Indian Government. There had been a deep-rooted suspicion in the minds of many that the Gurkhas owe allegiance to the Government of Nepal. Today, on the floor of the House, I assure you that the Gurkhas who are domiciled in India owe allegiance to the Government of India and not to the Government of Nepal. These Gurkhas will not hesitate to shed their last drop of blood to preserve the independence that we have got.
There has been a very good gesture since the 15th August 1947 regarding the Gurkhas. When the Britishers were ruling in India, the Gurkhas were given only Viceroy's Commissions in the Army, but since 1948, many Gurkhas have been given emergency commissions as officers and I understand some of them have risen to the rank of Colonels too. This grant or recognition has been a very good gesture.
Now this clause in article 10 makes a provision in favour of the backward classes of citizens who in the opinion of the State are not sufficiently represented in the services of the State. Today, I feel that the Gurkhas who had their opportunity to serve in the army and are educated, with this provision, may be taken to the civil side of the administration. I hope that the Gurkhas who have shown their bravery and valour in the army would show equal intelligence and integrity in the civil departments.
Thank you very much, Sir.

Shri Ari Bahadur Gurung (West Bengal : General) : Mr. President, Sir, I associate myself with my colleagues in congratulating the Chairman of the Drafting Committee for having brought this stupendous task to a successful conclusion. I have only a few observations to make. Firstly, the criticism of the Constitution that it does not provide for the establishment of Socialism is as irrelevant as the complaint that it is likely to open the way to dictatorship is futile. The real test of democracy is to give the right to the people to decide for themselves the nature of the Government they would like to have. The question of dictatorship or Totalitarian Communism will depend entirely upon the manner in which the people will work the Constitution. The Constitution will be subject to a continuous series of modifications according to the will of the people. Such are the provisions already provided in the Constitution. Sir, I personally feel that a Constitution is something of sacred character which inspires future generations. It is the embodiment of the living faith and philosophy of life of those who framed it. To judge this, one has only to look the reflection of the supreme will of the people as to the form of the government they want. Although the Constitution will become the law of the land, there will be nothing sacrosanct about it because it will be subject to modifications as I said before. For all intents and purposes, under the existing circumstances, this Constitution is a model one to suit the various needs of the people living in India. I would now like to refer to article 5 relating to Citizenship. The community to whom I belong consider this of vital importance, and I feel it is my duty to mention here that one-third of the total population of Gurkhas have come and settled down in India. According to census figures,

out of one crore, about 67.5 lakhs are in Nepal and the rest have settled down in India and the Gurkhas remaining here are most of them descendants of those soldiers who fought in many battles in India. We claim the same right of citizenship under article 5, provided we fulfil all the obligations laid down therein. Sometime ago in the beginning of the year when I spoke about the Gurkhas, I said that they have been a special provision for the backward classes of people with regard to the service, but unfortunately under the Constitution such privileges are given only to the Scheduled Castes, the Tribals and Anglo-Indians, even though article 16, para (4), provides that "Nothing in this article shall prevent the State from making any provision for the reservation of appointments of posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under
the State". In other words, it gives by one hand and takes away by another. This is the greatest injustice done to people who are very backward, though they do not have the privilege of being classed as Scheduled Castes or Tribals. I sincerely hope that the future Parliament, whose members will be elected on adult franchise will amend this omission. About ninety per cent, of the total population of India are backward and these people in future, through their representatives, will see how his Constitution works. There have been strong criticisms about the Constitution providing a strong Centre. I feel that under the existing circumstances there is no other alternative than to have a strong Centre. With regard to article 3 and 4 read with article 391 of this Constitution, I have some observations to make on West Bengal. As you know, Sir, after the Radcliffe Award the two Districts of Darjeeling and Jalpaiguri have been entirely cut off from West Bengal. In view of the defence of the northern frontier of India, this is a matter that calls for immediate attention of the Government of India. With the imminent fall of the Kuomintang Government in China,

Tibet, the next-door neighbour of India, is according to reports, becoming the scene of Communist intrigues. The State of Sikhism and the District of Darjeeling connect Tibet with the Indian Union, and Assam, the eastern-most frontier of the Indian Union, is linked with the rest of India by a narrow strip of land consisting of portions of Darjeeling district and Jalpaiguri. These areas as also the State of Cooch Bihar, in view of their strategic importance need to be strengthened and consolidated.
The Districts of Darjeeling and Jalpaiguri which are the northern-most districts of West Bengal have no contiguity with the rest of West Bengal, East Pakistan having come in between. This circumstances gives rise to many administrative inconveniences in ordinary times and more so during a period of emergency. Being a Frontier region such inconveniences if allowed to continue longer are fraught with grave dangers. My object in making this observation with regard to these two districts of West Bengal is this that if we look at the map of India, we find that there is only a narrow strip of land, connecting Bihar with Assam, that is the districts of
Darjeeling and Jalpaiguri. Pakistan points like a sword towards the heart of India. If there is to be any trouble, unfortunately, God forbid, especially between Pakistan and India, Assam can be isolated within a very short period, the northern parts of Himalayas being inaccessible; and these are the territories that need the immediate attention of the Government.

Shri K. Hanumanthaiya (Mysore State) : Air travel is available.
Shri Ari Bahadur Gurung : Thank you very much for your suggestion but that all depends on the strength we have. As a matter of fact in modern warfare the air has played a very important part in bombardment. The last battle has been fought and won on the land.

If you read the history of all wars, especially the first war and the last war, it was actually the

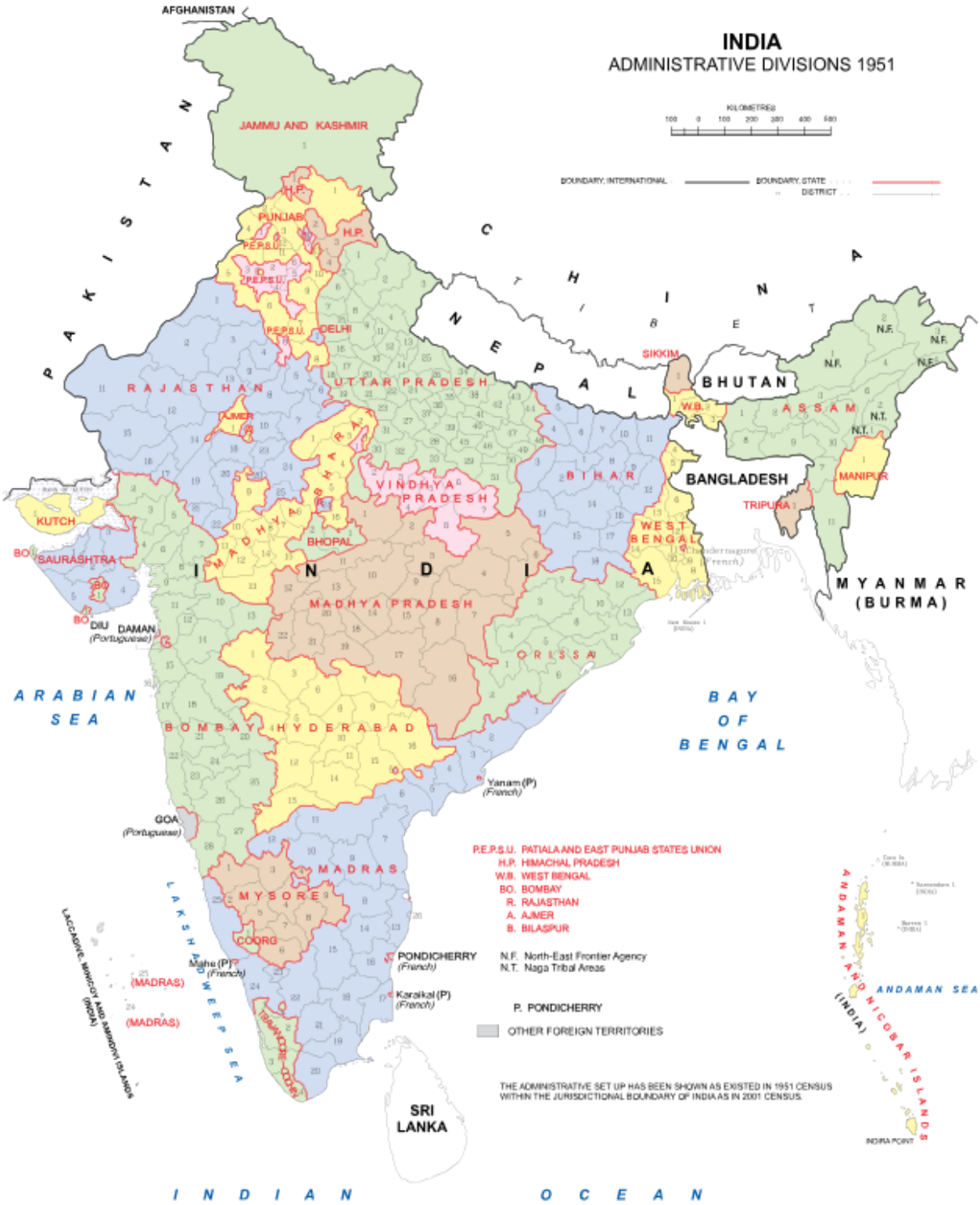
infantry which decide the whole fate. In the last war it might be the atomic bomb on Hiroshima that decided the fate but that was a cruel thing and if a war has to be fought, it must be fought on the land. I feel Sir, that should an emergency arise the Commission that is likely to be appointed should look into these matters stated above, because these two districts of Darjeeling and Jalpaiguri have been completely isolated from the rest of West Bengal.

Now sending goods to Darjeeling from Calcutta one has to send through Bihar. Due to devaluation another difficulty has arisen, namely the fare (1st Class). From Calcutta to Siliguri is about Rs.50 but from Siliguri to Calcutta one has to pay Rs.72 and there is lot of difficulty in the transport of goods from Siliguri down to Calcutta. Within the same province we have such difficulties, I, therefore, suggest that something has got to be done with these two districts; either they have got to be linked with the rest of West Bengal or some separate arrangement has got to be made. These are the observations that I have to make. Thank you very much, Sir.

I have shared a map where we can clearly see that North Bengal (**Darjeeling & Jalpaiguri is/was Partially Excluded Area**) was never connected to West Bengal as said by **Mr. A B Gurung** and to slove this problen minimum land was taken from Bihar under **The Bihar and West Bengal (Transfer of Territories) Act, 1956** and as Mr. D.S Gurung has said that Darjeeling is **Partially Excluded Area** back then now the same which is under the **Fifth Schedule of the Constitution of India under Article 244(1).**

What is to be understood or there is a need for an explanation:

1. **Who is Gorkhas, is it a Community/Clan?**
2. **Are we from Nepal or did we ever belong to Nepal?**
3. **Who is responsible to put us in West Bengal?**
4. **Are we in the Sixth Schedule or the Fifth Schedule?**



Foreign Territories	French	Portuguese
	5	3

Administrative Divisions	INDIA	Ajmer	Assam	Bihar	Bilaspur	Bhopal	Bombay	Coorg	Delhi	Himachal Pradesh	Hyderabad	Jammu and Kashmir	Kutch	Madhya Pradesh	Madras
No. of Districts	310	1	17	18	1	2	28	1	1	4	16	1	1	22	26

Administrative Divisions	Madhya Bharat	Manipur	Mysore	Orissa	Patiala and East Punjab States Union	Punjab	Rajasthan	Saurashtra	Sikkim	Travancore-Cochin	Tripura	Uttar Pradesh	Vindhya Pradesh	West Bengal	Andaman and Nicobar Islands
No. of Districts	16	1	9	13	8	13	25	5	1	4	1	51	8	15	1

I felt that there is a need for this document I have complied it and put some questions.
Thank you
Mithilesh Baraily